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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,989	01/16/2004	Ki Yong Yim	0630-1933P	5007
2292	7590	04/13/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			VAN, QUANG T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,989

Applicant(s)

YIM ET AL.

Examiner

Quang T Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of Species I (Figures 4-6, claims 1-4) in the reply filed on 02/07/2005 is acknowledged. Non-elected claims 5-12 are withdrawn from consideration. The traversal is on the ground(s) that "examination of all of the species together in one application would not place an undue burden on the examiner" and "the examiner's Election of species Requirement is improper in view of the fact that a reasonable number of species are set forth in the present application". This is not found persuasive. The applicant is referred to MPEP 809.02 (a), which states the requirements for an election of species requirement. Note especially section (B) which states that "the species are preferably identified as the species of figures 1, 2, and 3" and that the distinguishing characteristics of the species should be states only "in the absence of distinct figures of examples".

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The requirement is still deemed proper and is therefore made FINAL.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. Although claims 7 and 12 are not treated on the merit, however, all claimed subject matters must be shown by the time the application is in condition for allowance. Therefore, it is noted that the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a plurality of the blowing fans are rotatably connected to be driven by one drive motor" recited in claim 7, lines 1-2, and "the sliding plate is provided to each of front, right, and left sides of the cabinet" recited in claim 12, lines 1-2, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 2-4 are objected to because of the following informalities: "a blowing fan **rotatably provided to** a front bottom side of the cabinet", recited in claim 2, line 3, is not a positive recitation. It is suggested to change to: "a blowing fan **mounted on a** front bottom side of the cabinet". The term "an air curtain", recited in claim 2, line 7, should be changed to "the air curtain" because it is already mentioned in previous claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Kim (US 6,621,058). Kim discloses a wall-mounted microwave oven with air curtain guide comprising a cabinet (10) disposed over an oven range (100); a cooking room (11) having a predetermined cavity within the cabinet for cooking using an electromagnetic wave generated from a magnetron (col. 3, lines 33-44); a hood unit installed within the cabinet to discharge polluted air produced from the oven range on cooking (col. 3, lines 58-67 and col. 4, lines 1-8); and an air curtain generating unit installed at a bottom side of the cabinet to prevent the polluted air from diffusing into a room (col. 4, lines 9-20).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6,621,058). Kim discloses substantially all features of the claimed invention including a blowing fan mounted on a front top side of the cabinet, which is near an intake opening. However, Kim does not disclose a blowing fan mounted on a front bottom side of the cabinet. It would have been obvious to one having ordinary skill in the art to mount a blowing fan on a front bottom side of the cabinet, which is near an outflow opening. Doing so would provide a more high velocity of an air curtain.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6,621,058) in view of Kim (US 6,797,930). Kim'058 discloses substantially all features of the claimed invention except the blowing fan is a crossflow fan. Kim '930 discloses a blowing fan (79) is a crossflow fan. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kim'058 a blowing fan is a crossflow fan as taught by Kim'930 in order to inhaled and exhaled the air in a circumferential direction when the fan is rotated by the drive motor.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kang (US 6,018,158) discloses a microwave oven having a

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ventilator installed beside a cooking chamber. Matsumura et al (JP 63251740A) discloses a range hood.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QV

QV

April 7, 2005



Quang T Van
Primary Examiner
Art Unit 3742